

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

## SARAH M L'ITALIEN,

Plaintiff,

V.

MICHAEL J ASTRUE, Commissioner of the  
Social Security Administration,

Defendant.

CASE NO. C11-5665-RBL-JRC

## ORDER ADOPTING REPORT AND RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Judge J. Richard

Creatura, United States Magistrate Judge, on Defendant's Motion for Remand Pursuant to Sentence Six, 42 U.S.C. § 405(g) (ECF No. 8) and the relevant record does hereby find and

## ORDER:

(1) The Court adopts the Report and Recommendation;

(2) The matter is REMANDED pursuant to sentence six of 42 U.S.C. § 405(g) to the

Commissioner for a *de novo* hearing;

(3) This Court retains jurisdiction over this action;

(4) After remand, the Commissioner of Social Security shall modify or affirm the Commissioner's findings of fact or the Commissioner's decision, or both, and shall file with the Court any such additional or modified findings of fact and decision;

(5) If the outcome is still not fully favorable to Plaintiff, the Commissioner shall file with the Court a transcript of the additional record and testimony on which the Commissioner's action in modifying or affirming is based, and plaintiff may seek judicial review by reinstating this case rather than by filing a new complaint; and

(4) If the outcome is favorable to Plaintiff, the parties shall move this Court for entry of Judgment.

DATED this 28<sup>th</sup> day of November, 2011.

Ronald B. Leighton  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE